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SCOTTISH STATUTORY INSTRUMENTS

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**2000 No. 53**

**SEA FISHERIES**

**The Sea Fishing (Enforcement of Community Conservation Measures) (Scotland) Order 2000**

<i>Made</i>	- - - -	<i>9th March 2000</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>10th March 2000</i>
<i>Coming into force</i>	- -	<i>31st March 2000</i>

The Scottish Ministers, in exercise of the powers conferred on them by section 30(2) of the Fisheries Act 1981<sup>(1)</sup> and of all other powers enabling them in that behalf, hereby make the following Order:

**Citation, commencement and extent**

1.—(1) This Order may be cited as the Sea Fishing (Enforcement of Community Conservation Measures) (Scotland) Order 2000 and shall come into force on 31st March 2000.

(2) This Order extends to Scotland only.

(3) Nothing in paragraph (2) shall be treated as prejudicing the effect in any other part of the United Kingdom of section 30(2A) of the Fisheries Act 1981 in relation to, or for purposes incidental to, any provision of this Order which creates an offence.

**Commencement Information**

**II** [Art. 1](#) in force at 31.3.2000, see [art. 1\(1\)](#)

**Interpretation**

2.—(1) In this Order—

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<sup>(1)</sup> 1981 c. 29; relevant modifications are contained in the Scotland Act 1998 (Functions Exercisable in or as Regards Scotland) Order 1999 (S.I. 1999/1748), article 5 and the Scotland Act 1998 (Modification of Functions) Order 1999 (S.I. 1199/1756), articles 3, 5 and 6. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46). See section 30(3) of the 1981 Act for definitions of “enforceable Community restriction”, “enforceable Community obligation” and “the Ministers”. Section 30 has effect in relation to Scotland as modified by section 30(5) inserted by the Scotland Act (Consequential Modifications) (No. 2) Order 1999 (S.I. 1999/1820), Schedule 2, paragraph 68(5)(b).

**Status:** Point in time view as at 28/03/2019.

**Changes to legislation:** There are currently no known outstanding effects for the The Sea Fishing (Enforcement of Community Conservation Measures) (Scotland) Order 2000. (See end of Document for details)

[<sup>F1</sup>“the Council Regulation” means Council Regulation (EC) No. 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms , as last amended by Council Regulation (EU) No. 2015/812 ;]

[<sup>F2</sup>“Community conservation measure” means a measure provided by–

- (i) Regulation 894/97;
- (ii) Regulation 2549/2000 ;
- (iii) Regulation 2056/2001; or
- (iv) the Council Regulation;

and which is specified in column 1 of the Schedule, as read with any related provision mentioned in the entry in respect of such measure in column 1 of the Schedule;]

“fish” includes crustacea, molluscs and parts of fish;

“fishery product” includes fish;

[<sup>F3</sup> ...

“Regulation 894/97” means Council Regulation (EC) No. 894/97 laying down certain technical measures for the conservation of fishery resources(2) as [<sup>F4</sup>last amended by Council Regulation (EC) No. 809/2007];

[<sup>F5</sup>“Regulation 2549/2000” means Council Regulation (EC) No. 2549/2000 establishing additional technical measures for the recovery of the stock of cod in the Irish Sea (ICES Division VIIa) as amended by Council Regulation (EC) No. 1456/2001;

“Regulation 2056/2001” means Commission Regulation (EC) No. 2056/2001 establishing additional technical measures for the recovery of the stocks of cod in the North Sea and to the West of Scotland [<sup>F6</sup>, as amended by Commission Implementing Regulation (EU) No. 2015/1897 ];

“Regulation 254/2002” means Council Regulation (EC) No. 254/2002 establishing measures to be applicable in 2002 for the recovery of the stock of cod in the Irish sea (ICES Division VIIa) [<sup>F7</sup>, as corrected by Corrigendum to Regulation 254/2002 and amended by Council Regulation (EU) No. 2015/812 ];

[<sup>F8</sup>“Regulation 1224/2009” means Council Regulation (EC) No. 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No. 847/96, (EC) No. 2371/2002, (EC) No. 811/2004, (EC) No. 768/2005, (EC) No. 2115/2005, (EC) No. 2166/2005, (EC) No. 388/2006, (EC) No. 509/2007, (EC) No. 676/2007, (EC) No. 1098/2007, (EC) No. 1300/2008, (EC) No. 1342/2008 and repealing Regulations (EEC) No. 2847/93, (EC) No. 1627/94 and (EC) No. 1966/2006, as last amended by Council Regulation (EU) No. 2015/812;]

“relevant offence” means an offence under–

- (a) article 3, or
- (b) under any provision extending to any other part of the United Kingdom made for the purposes of implementing a Community conservation measure being a provision in respect of which, by virtue of section 30(2A) of the Fisheries Act 1981, proceedings may be commenced in any place in the United Kingdom;

(2) O.J. No. L132, 23.5.97, p.1.

“Scottish fishing boat” means a fishing vessel which is registered in the register maintained under section 8 of the Merchant Shipping Act 1995(3) and whose entry in the register specifies a port in Scotland as the port to which the vessel is to be treated as belonging;

“Scottish zone” has the same meaning as in section 126(1) of the Scotland Act 1998(4).

(2) Any reference in this Order to a logbook, declaration or document includes, in addition to a logbook, declaration or document in writing—

- (a) any map, plan, graph or drawing;
- (b) any photograph;
- (c) any data, however reproduced, communicated via a satellite-based vessel monitoring system established under [F9 Article 9.1 of Regulation 1224/2009];
- (d) any disk, tape, sound track or other device on which sounds or other data (not being visual images) are recorded so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom; and
- (e) any film (including microfilm), negative, tape, disk or other device on which one or more visual images are recorded so as to be capable (as aforesaid) of being reproduced therefrom.

(3) Any reference in this Order—

- (a) to a numbered article is a reference to the article so numbered in this Order;
- (b) to the Schedule is a reference to the Schedule to this Order; and
- (c) to a numbered Article of the Council Regulation is a reference to the Article so numbered in the Council Regulation as read with any related provision of that Regulation mentioned in the entry relating to that Article in column 1 of the Schedule.

(4) Column 2 of the Schedule (which provides in relation to each Community conservation measure an indication of the subject matter of the measure) shall not be read as limiting the scope of any Community conservation measure and shall be disregarded in relation to any question arising as to the construction of this Order.

### Textual Amendments

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|-----------|---|
| <b>F1</b> | Words in art. 2(1) substituted (28.3.2019) by The Fisheries (EU Exit) (Scotland) (Amendment) (No. 2) Regulations 2019 (S.S.I. 2019/69), regs. 1(2)(a), <b>2(2)(a)(i)</b>              |
| <b>F2</b> | Words in art. 2 substituted (26.3.2002) by The Sea Fishing (Enforcement of Community Conservation Measures) (Scotland) Amendment Order 2002 (S.S.I. 2002/81), arts. 1(1), <b>2(b)</b> |
| <b>F3</b> | Words in art. 2(1) omitted (28.3.2019) by virtue of The Fisheries (EU Exit) (Scotland) (Amendment) (No. 2) Regulations 2019 (S.S.I. 2019/69), regs. 1(2)(a), <b>2(2)(a)(ii)</b>       |
| <b>F4</b> | Words in art. 2(1) substituted (28.3.2019) by The Fisheries (EU Exit) (Scotland) (Amendment) (No. 2) Regulations 2019 (S.S.I. 2019/69), regs. 1(2)(a), <b>2(2)(a)(iii)</b>            |
| <b>F5</b> | Words in art. 2 inserted (26.3.2002) by The Sea Fishing (Enforcement of Community Conservation Measures) (Scotland) Amendment Order 2002 (S.S.I. 2002/81), arts. 1(1), <b>2(e)</b>    |
| <b>F6</b> | Words in art. 2(1) inserted (28.3.2019) by The Fisheries (EU Exit) (Scotland) (Amendment) (No. 2) Regulations 2019 (S.S.I. 2019/69), regs. 1(2)(a), <b>2(2)(a)(iv)</b>                |
| <b>F7</b> | Words in art. 2(1) inserted (28.3.2019) by The Fisheries (EU Exit) (Scotland) (Amendment) (No. 2) Regulations 2019 (S.S.I. 2019/69), regs. 1(2)(a), <b>2(2)(a)(v)</b>                 |
| <b>F8</b> | Words in art. 2(1) inserted (28.3.2019) by The Fisheries (EU Exit) (Scotland) (Amendment) (No. 2) Regulations 2019 (S.S.I. 2019/69), regs. 1(2)(a), <b>2(2)(a)(vi)</b>                |

(3) 1995 c. 21.

(4) 1998 c. 46. The sea within British fishery limits (that is, the limits set by or under section 1 of the Fishery Limits Act 1976 (c. 86)) which is adjacent to Scotland as determined by the Scottish Adjacent Waters Boundaries Order 1999 (S.I. 1999/1126).

**Status:** Point in time view as at 28/03/2019.

**Changes to legislation:** There are currently no known outstanding effects for the The Sea Fishing (Enforcement of Community Conservation Measures) (Scotland) Order 2000. (See end of Document for details)

**F9** Words in art. 2(2)(c) substituted (28.3.2019) by The Fisheries (EU Exit) (Scotland) (Amendment) (No. 2) Regulations 2019 (S.S.I. 2019/69), regs. 1(2)(a), **2(2)(b)**

#### Commencement Information

**I2** Art. 2 in force at 31.3.2000, see art. 1(1)

### Offences

**3.—(1)** Where there is, in respect of—

- (a) any Scottish fishing boat wherever it may be;
- (b) any other fishing boat within the Scottish Zone; or
- (c) any fishery product, premises or vehicle in Scotland,

a contravention of, or failure to comply with, any Community conservation measure, the master, the owner and the charterer (if any) shall each be guilty of an offence.

(2) Subject to paragraph (3), any person who lands, transports, stores, sells, displays or offers for sale any fish in contravention of Articles 19.1, 26.1 or 36 of the Council Regulation, shall be guilty of an offence.

(3) Paragraph (2) shall not apply to a person who lands a fish if that person is guilty of an offence under paragraph (1) above as respects the landing of that fish.

#### Commencement Information

**I3** Art. 3 in force at 31.3.2000, see art. 1(1)

### Penalties

**4.—(1)** A person guilty of an offence under article 3(1) or any equivalent provision extending to any other part of the United Kingdom proceedings in respect of which were brought in Scotland by virtue of section 30(2A) of the Fisheries Act 1981<sup>(5)</sup>, shall be liable on summary conviction—

- (a) to a fine not exceeding the amount specified in column 3 of the Schedule in relation to the Community conservation measure, the contravention of, or failure to comply with, which founded the offence; and
- (b) either—
  - (i) to a fine not exceeding the value of any fish in respect of which the offence was committed, or
  - (ii) to the forfeiture of any fish in respect of which the offence was committed; and
- (c) to the forfeiture of any net or other fishing gear in respect of which the offence was committed, or which was used in committing the offence, or which was used for catching any fish in respect of which the offence was committed.

(2) A person guilty of an offence under article 3(1) or any equivalent provision referred to in paragraph (1), shall be liable on conviction on indictment—

- (a) to a fine;
- (b) to the forfeiture of any fish in respect of which the offence was committed; and

(5) Section 30(2A) was inserted by the Scotland Act (Consequential Modifications) (No. 2) Order 1999, Schedule 2, paragraph 68(5)(a).

- (c) to the forfeiture of any net or other fishing gear in respect of which the offence was committed, or which was used in committing the offence, or which was used for catching any fish in respect of which the offence was committed.

(3) A person guilty of an offence under article 3(2) or any equivalent provision extending to any other part of the United Kingdom proceedings in respect of which were brought in Scotland by virtue of section 30(2A) of the Fisheries Act 1981, shall be liable on summary conviction—

- (a) to a fine not exceeding the statutory maximum; and
- (b) either—
  - (i) to a fine not exceeding the value of the fish in respect of which the offence was committed, or
  - (ii) to the forfeiture of the fish in respect of which the offence was committed.

(4) A person guilty of an offence under article 3(2) or any equivalent provision referred to in paragraph (3), shall be liable on conviction on indictment—

- (a) to a fine; and
- (b) to the forfeiture of the fish in respect of which the offence was committed.

#### **Commencement Information**

**I4** [Art. 4](#) in force at 31.3.2000, see [art. 1\(1\)](#)

#### **Recovery of fines**

**5.—(1)** Without prejudice to the provisions of section 221 of the Criminal Procedure (Scotland) Act 1995<sup>(6)</sup>, where a court has imposed a fine on any person in respect of a relevant offence or an offence under article 10 that court may for the purposes of recovering the fine—

- (a) order any boat involved in the commission of the offence and its gear and catch to be detained for a period not exceeding three months from the date of the conviction or until the fine is paid, the order is renewed for a further such period or a warrant is issued under sub-paragraph (b), whichever first occurs; or
- (b) subject to paragraph (2), at any time after the imposition of the fine issue a warrant for the arrestment and sale of any such boat, its gear and catch.

(2) The court shall not issue a warrant under paragraph (1)(b) without first affording the owner of the boat, gear or catch liable to be included in the warrant an opportunity to be heard on the issue of such warrant.

(3) A warrant issued under paragraph (1)(b), whatever the amount of the fine imposed, may be executed in the same manner as if the proceedings were on an extract decree of the sheriff in a summary cause.

(4) Where in relation to a fine in respect of a relevant offence a transfer of fine order under section 222 of the Criminal Procedure (Scotland) Act 1995, section 90 of the Magistrates Courts Act 1980<sup>(7)</sup> or article 95 of the Magistrates' Courts (Northern Ireland) Order 1981<sup>(8)</sup> specifies a court of summary jurisdiction in Scotland this article shall apply as if the fine were a fine imposed by that court.

<sup>(6)</sup> 1995 c. 46.

<sup>(7)</sup> 1980 c. 43.

<sup>(8)</sup> S.I. 1981/1675 (N.I.26).

**Status:** Point in time view as at 28/03/2019.

**Changes to legislation:** There are currently no known outstanding effects for the The Sea Fishing (Enforcement of Community Conservation Measures) (Scotland) Order 2000. (See end of Document for details)

### Commencement Information

**I5** Art. 5 in force at 31.3.2000, see art. 1(1)

### Powers of British sea-fishery officers in relation to fishing boats

6.—(1) For the purposes of enforcement of article 3 or any provision extending to any other part of the United Kingdom made for the purposes of implementing a Community conservation measure any British sea-fishery officer may exercise in relation to—

- (a) any Scottish fishing boat wherever it may be ; or
- (b) any other fishing boat within the Scottish zone,

the powers conferred by paragraphs (2) to (4) of this article.

(2) He may go on board the boat, with or without persons assigned to assist him in his duties, and may require the boat to stop and do anything else which will facilitate either the boarding of, or the disembarkation from, the boat.

(3) He may require the attendance of the master and other persons on board the boat and may make any examination and inquiry which appears to him to be necessary for the purposes of enforcement mentioned in paragraph (1) and, in particular—

- (a) may search for fish or fishing gear on the boat and may examine any fish on the boat and the equipment of the boat, including the fishing gear, and require persons on the boat to do anything which appears to him to be necessary for facilitating the examination;
- (b) may require any person on board the boat to produce any document relating to the boat, to any fishing operations or other operations ancillary thereto or to the persons on board which is in the custody or possession of that person;
- (c) for the purpose of ascertaining whether a relevant offence has been committed may search the boat for any such document and may require any person on board the boat to do anything which appears to him to be necessary for facilitating the search;
- (d) inspect, take copies of and retain while he completes any search, examination or inspection provided for under this article, any such document produced to him or found on board;
- (e) may require the master or any person for the time being in charge of the boat to render all such documents on a computer system into visible and legible form and to produce them in a form in which they may be taken away; and
- (f) where the boat is one in relation to which there is reason to suspect that a relevant offence has been committed, may seize and detain any such document produced to him or found on board for the purpose of enabling the document to be used as evidence in proceedings for the offence,

but nothing in sub-paragraph (f) above shall permit any document required by law to be carried on board the boat to be seized and detained except while the boat is detained in a port.

(4) Where it appears to a British sea-fishery officer that a relevant offence has at any time been committed, he may—

- (a) require the master of the boat in relation to which the offence took place to take, or may himself take, the boat and its crew to the port which appears to him to be the nearest convenient port; and
- (b) detain or require the master to detain the boat in the port,

and where such an officer detains or requires the detention of a boat he shall serve on the master a notice in writing stating that the boat will be or is required to be detained until the notice is withdrawn by the service on the master of a further notice in writing signed by a British sea-fishery officer.

#### Commencement Information

I6 Art. 6 in force at 31.3.2000, see art. 1(1)

### Powers of British sea-fishery officers on land

7.—(1) For the purpose of enforcing the provisions of article 3 or any provision extending to any other part of the United Kingdom made for the purposes of implementing a Community conservation measure any British sea-fishery officer may—

- (a) enter and inspect at any reasonable time any premises used for carrying on any business in connection with the operation of fishing boats or activities connected therewith or ancillary thereto or with the treatment, storage or sale of fishery products;
- (b) take with him such other persons as appear to him to be necessary and any equipment or materials;
- (c) examine any fishery product on the premises and require persons on the premises to do anything which appears to him to be necessary for facilitating the examination;
- (d) carry out at such premises such other inspections or tests as may reasonably be necessary;
- (e) require any person not to remove or cause to be removed any fishery product from such premises for such a period as may be reasonably necessary for the purposes of establishing whether a relevant offence has at any time been committed;
- (f) require any person on the premises to produce any documents which are in the custody or possession of that person relating to the catching, landing, transportation, trans-shipment, sale or disposal of any fishery product;
- (g) for the purpose of ascertaining whether any person on the premises has committed a relevant offence, search the premises for any such document and may require any person on the premises to do anything which appears to him to be necessary for facilitating the search;
- (h) inspect and take copies of any such document produced to him or found on the premises;
- (i) require any appropriate or responsible person to render any such documents on a computer system into a visible and legible form and to produce them in a form in which they may be taken away; and
- (j) if he has a reason to suspect that a relevant offence has been committed, seize and detain any such document produced to him or found on the premises for the purpose of enabling the document to be used as evidence in proceedings for the offence.

(2) The provisions of paragraph (1) shall apply in relation to any land used in connection with any of the activities described in paragraph (1), or in respect of any vehicle which a British sea-fishery officer has reasonable cause to believe is being used to transport fishery products, as they apply in relation to premises and, in the case of a vehicle, shall include power to require the vehicle to stop at any time and, if necessary, direct the vehicle to some other place to facilitate inspection.

(3) If a Sheriff on information on oath—

- (a) is satisfied that there is reasonable ground to believe that any documents or other items which a British sea-fishery officer has power under this article to inspect are on any premises and that their inspection is likely to disclose evidence of the commission of a relevant offence; and



**Status:** Point in time view as at 28/03/2019.

**Changes to legislation:** There are currently no known outstanding effects for the The Sea Fishing (Enforcement of Community Conservation Measures) (Scotland) Order 2000. (See end of Document for details)

- (b) is also satisfied either—
- (i) that admission to the premises has been or is likely to be refused and that notice of intention to apply for a warrant has been given to the occupier; or
  - (ii) that an application for admission or the giving of such notice would defeat the object of the entry or that the premises are unoccupied or that the occupier is temporarily absent and it might defeat the object of the entry to await his return;
- the Sheriff may by warrant signed by him, and valid for one month, authorise a British sea-fishery officer to enter the premises, if need be by reasonable force, accompanied by such persons as appear to the officer to be necessary.

#### Commencement Information

**I7** Art. 7 in force at 31.3.2000, see art. 1(1)

### Powers of British sea-fishery officers to seize fish and fishing gear

- 8.**—(1) Any British sea-fishery officer may seize—
- (a) in Scotland or in the Scottish zone; or
  - (b) on a Scottish fishing boat wherever it may be,
- any fishery product (including any receptacle which contains such product) and any net or other fishing gear to which this article applies.
- (2) This article applies to—
- (a) any fishery product (including any receptacle which contains such product) in respect of which the officer has reasonable grounds to suspect that a relevant offence has been committed; and
  - (b) any net or other fishing gear which the officer has reasonable grounds to suspect has been used in the commission of such offence.

#### Commencement Information

**I8** Art. 8 in force at 31.3.2000, see art. 1(1)

### Protection of officers

**9.** A British sea-fishery officer or a person assisting him by virtue of articles 6(2) or 7(1)(b) of this Order shall not be liable in any civil or criminal proceedings for anything done in the purported exercise of the powers conferred on him by articles 6, 7 or 8 if the court is satisfied that the act was done in good faith, that there were reasonable grounds for doing it and that it was done with reasonable skill and care.

#### Commencement Information

**I9** Art. 9 in force at 31.3.2000, see art. 1(1)

### Obstruction of officers

- 10.**—(1) Any person who—



- (a) fails without reasonable excuse to comply with any requirement imposed by a British sea-fishery officer under the powers conferred on British sea-fishery officers by articles 6, 7 or 8;
  - (b) without reasonable excuse prevents, or attempts to prevent, any other person from complying with any such requirement; or
  - (c) obstructs any such officer in the exercise of any of those powers,
- shall be guilty of an offence.

(2) A person guilty of an offence under paragraph (1) shall be liable—

- (a) on summary conviction to a fine not exceeding the statutory maximum; or
- (b) on conviction on indictment to a fine.

#### Commencement Information

**I10** Art. 10 in force at 31.3.2000, see art. 1(1)

### Offences committed by bodies corporate and Scottish partnerships

**11.**—(1) Where a relevant offence has been committed by a body corporate and the contravention in question is proved to have occurred with the consent or connivance of, or to be attributable to any neglect on the part of—

- (a) a director, manager, secretary or other similar officer of the body corporate, or
- (b) any person who was purporting to act in any such capacity,

he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) In paragraph (1) “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

(3) Where a relevant offence has been committed by a Scottish partnership and the contravention in question is proved to have occurred with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, he as well as the partnership shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

#### Commencement Information

**I11** Art. 11 in force at 31.3.2000, see art. 1(1)

### Admissibility in evidence of logbooks and other documents

**12.**—<sup>F10</sup>(1) Any—

- (a) logbook kept under Article 14 or 15;
- (b) declaration submitted under Article 21, 22, 23 or 24;
- (c) effort report completed under Article 28;
- (d) document drawn up under Article 62, 63, 64, 65, 66, 67 or 68; and
- (e) document containing required information received by a fisheries monitoring centre established under Article 9.7,

**Status:** Point in time view as at 28/03/2019.

**Changes to legislation:** There are currently no known outstanding effects for the The Sea Fishing (Enforcement of Community Conservation Measures) (Scotland) Order 2000. (See end of Document for details)

of Regulation 1224/2009 may, in any proceedings for a relevant offence, be received in evidence without being produced or sworn to by any witness and shall be sufficient evidence of the matters stated therein.]

- (2) For the purpose of paragraph (1), “required information” shall mean data relating to—
- (a) a fishing boat’s identification;
  - (b) the most recent geographical position of the fishing boat expressed in degrees and minutes of longitude and latitude; and
  - (c) the date and time of the fixing of that position,

as communicated via a satellite-tracking device installed on board a fishing boat under [F11 Article 9.1 of Regulation 1224/2009].

#### Textual Amendments

- F10** Art. 12(1) substituted (28.3.2019) by The Fisheries (EU Exit) (Scotland) (Amendment) (No. 2) Regulations 2019 (S.S.I. 2019/69), regs. 1(2)(a), 2(3)(a)
- F11** Words in art. 12(2) substituted (28.3.2019) by The Fisheries (EU Exit) (Scotland) (Amendment) (No. 2) Regulations 2019 (S.S.I. 2019/69), regs. 1(2)(a), 2(3)(b)

#### Commencement Information

- I12** Art. 12 in force at 31.3.2000, see art. 1(1)

#### Revocation

13. The Sea Fishing (Enforcement of Community Conservation Measures) Order 1997(9) and the Sea Fishing (Enforcement of Community Conservation Measures) (Amendment) Order 1997(10) are revoked.

#### Commencement Information

- I13** Art. 13 in force at 31.3.2000, see art. 1(1)

St Andrew’s House,  
Edinburgh

*JOHN HOME ROBERTSON*  
Authorised to sign by the Scottish Ministers

(9) S.I. 1997/1949.  
(10) S.I. 1997/2841.

## SCHEDULE

Articles 2(1) and 4(1)

COMMUNITY CONSERVATION MEASURES  
(MAXIMUM FINES ON SUMMARY CONVICTION)**Commencement Information****I14** Sch. in force at 31.3.2000, see art. 1(1)

<i>Column 1</i> <i>Community conservation</i> <i>measure</i>	<i>Column 2</i> <i>Subject matter</i>	<i>Column 3</i> <i>Maximum fine on summary</i> <i>conviction</i>
<b>I. Regulation 894/97</b>		
Article 11	Provisions relating to drift nets	The statutory maximum
<b>II. The Council Regulation</b>		
1. Article 4, as read with Articles 5 and 10	Provisions relating to mesh sizes and target species and required catch percentages when using towed gears <sup>(11)</sup> .	The statutory maximum
2. Article 5.3	Prohibition on transshipment without completing a logbook in accordance with the provisions of <sup>[F12]</sup> Articles 14 and 15 of Regulation 1224/2009].	£50,000
3. Article 6	Limitation on the maximum number of meshes in certain towed gear.	The statutory maximum
4. Article 7	Provisions relating to the inclusion and placement of square mesh panels in specified towed gear.	The statutory maximum
5. Article 8.1 and 8.2, as read with Article 8.3	Limitation on the twine thickness of towed gears.	The statutory maximum
6. Article 9.1, as read with Article 9.2	Prohibition on the carriage or use of towed gears constructed wholly or in part of netting other than types specified.	The statutory maximum
<sup>[F13]</sup> 6A. Article 10	Prohibition on transshipment and landing or retaining on board, of marine organisms where dredges are carried, except where the quantity of marine organisms landed or	The statutory maximum]

(11) Provisions relating to the Skaggeak and Kattegat subject to Council Regulation 2742/99 (O.J. No. L431, 13.12.99, p.1), Article 9 and Annex V, paragraph 8 during 2000.

**Status:** Point in time view as at 28/03/2019.

**Changes to legislation:** There are currently no known outstanding effects for the The Sea Fishing (Enforcement of Community Conservation Measures) (Scotland) Order 2000. (See end of Document for details)

<i>Column 1</i> <i>Community conservation measure</i>	<i>Column 2</i> <i>Subject matter</i>	<i>Column 3</i> <i>Maximum fine on summary conviction</i>
	retained on board consists of at least 95% bivalve molluscs.	
7. Article 11, as read with Articles 12 and 13	Limitations on the use or keeping on board of specified fixed gear <sup>(12)</sup> .	The statutory maximum.
8. Article 14	Requirement to sort catches immediately after removal from nets.	The statutory maximum
9. Article 15	Prohibition on the landing or retention of fish in excess of specified percentages.	The statutory maximum
10. Article 16	Prohibition on devices that obstruct nets.	The statutory maximum
11. Article 18.3	Prohibition on the retention and landing of lobsters, crawfish and molluscs unless they are whole.	The statutory maximum
12. Article 18.4	[ <sup>F14</sup> Prohibition on the retention and landing of detached crab claws, subject to a maximum percentage for catches made by pots or creels and a maximum weight for catches made by any other fishing gear.]	The statutory maximum
13. Article 19.1, as read with Articles 17, 18.1 and 18.2, 19.2 and 19.3 <sup>F15</sup> ...	Prohibition on the retention, transshipment, landing, transport, storage, sale, offer for sale and display of undersized fish <sup>(13)</sup> .	The statutory maximum
14. Article 20.1, as read with Article 20.2 and 20.3	Prohibition on fishing for herring in specified waters during specified times.	£50,000
15. Article 21.1, as read with Article 21.2	Prohibition on fishing for sprat in specified waters during specified times.	£50,000
16. Article 22.1, as read with Article 22.2 and 22.3	Prohibition on fishing for mackerel in specified waters during specified times.	£50,000
17. Article 23.1	Prohibition on fishing for anchovy with, and the	£50,000

(12) Provisions in relation to sole subject to Council Regulation 2742/99 (O.J. No. L431, 13.12.99, p.1), Article 9 and Annex V, paragraph 6 during 2000.

(13) Prohibitions in relation to plaice subject to Council Regulation 2742/99 (O.J. No. L431, 13.12.99, p.1), Article 9 and Annex V, paragraph 9 during 2000.

**Status:** Point in time view as at 28/03/2019.**Changes to legislation:** There are currently no known outstanding effects for the The Sea Fishing (Enforcement of Community Conservation Measures) (Scotland) Order 2000. (See end of Document for details)

<i>Column 1</i> <i>Community conservation measure</i>	<i>Column 2</i> <i>Subject matter</i>	<i>Column 3</i> <i>Maximum fine on summary conviction</i>
	retention on board of anchovy caught using, pelagic trawls in ICES Division VIIIc.	
18. Article 23.2	Prohibition on the simultaneous carrying on board of pelagic trawls and purse seines and in ICES Division VIIIc .	The statutory maximum
19. <sup>F16</sup> . . .	<sup>F16</sup> . . .	<sup>F16</sup> . . .
20. Article 25.1, as read with Article 25.2 and 25.3	Prohibition on retaining on board shrimps caught with specified gear.	£50,000
21. Article 26.1 as read with Article 26.2	Prohibition on the retention, transshipment, landing, transport, storage, sale, offer for sale and display of salmon and sea trout caught using towed gears or within specified waters.	The statutory maximum
22. Article 27.1, as read with Article 27.2	Prohibition on the retention on board of Norway pout caught using towed gears in specified waters.	£50,000
23. Article 28.1	Prohibition on fishing for hake in specified waters during specified times.	£50,000
24. Article 28.2	Prohibition on the carriage of specified gear in specified waters unless lashed and stowed in accordance with the provisions laid down in [ <sup>F17</sup> Article 47 of Regulation 1224/2009].	The statutory maximum
25. Article 29	Restrictions on the fishing for plaice by certain vessels using specified gear in specified waters.	£50,000
[ <sup>F18</sup> 25A. Article 29	Prohibition during 2002 of the retention on board or landing of sand eels caught within a specified area.	£50,000]
26. Article 30.1	Provisions relating to the use of demersal towed gears.	The statutory maximum

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**Changes to legislation:** There are currently no known outstanding effects for the The Sea Fishing (Enforcement of Community Conservation Measures) (Scotland) Order 2000. (See end of Document for details)

<i>Column 1</i> <i>Community conservation measure</i>	<i>Column 2</i> <i>Subject matter</i>	<i>Column 3</i> <i>Maximum fine on summary conviction</i>
27. Article 30.2 and 30.3	Prohibition on the use of certain towed gear in specified waters off the north-east coast of the United Kingdom and in ICES areas Vb and VI. Prohibition on the carriage of certain towed gears in specified waters unless lashed and stowed in accordance with the provisions laid down in [F19Article 47 of Regulation 1224/2009]	The statutory maximum
F20 ... 28. Article 31.1 and 31.2	Prohibition on the use of explosives, stupefying substances or electric current for fishing. Prohibition on the sale, display or offer for sale of any marine organisms caught using methods incorporating the use of any kind of projectile.	The statutory maximum
29. Article 32.1, as read with Article 32.2 and 32.3	Provisions relating to the use of automatic grading equipment.	The statutory maximum
30. F21 ...	F21 ...	F21 ...
31. Article 34	Restrictions on the use of beam trawls within 12 miles of the coasts of the United Kingdom and Ireland.	The statutory maximum
32. F21 ...	F21 ...	F21 ...
33. Article 36	Prohibition on the landing, retention on board, transshipment, storage, transport, sale, display or offer for sale of salmon and sea trout caught within any part of the Skagerrak and Kattegat situated outside the four-mile limit measured from the baselines of Member States.	£50,000
34. Article 37.1, as read with Article 37.2	Limitations on the use of certain trawls within 3 miles of the baselines in the Skagerrak	£50,000

<i>Column 1</i> <i>Community conservation measure</i>	<i>Column 2</i> <i>Subject matter</i>	<i>Column 3</i> <i>Maximum fine on summary conviction</i>
	and Kattegat between 1 July and 15 September.	
<b>35.</b> <sup>F21</sup> . . .	F21 . . .	F21 . . .
<b>36.</b> Article 39	Prohibition on the use of beam trawls in the Kattegat.	£50,000
<b>37.</b> Article 40	Prohibition, during the periods and in the areas referred to in Articles 37, 38 and 39 of the Council Regulation where trawls or beam trawls may not be used, on carrying on board such nets unless they are lashed and stowed in accordance with the provisions laid down in [ <sup>F22</sup> Article 47 of Regulation 1224/2009].	The statutory maximum
<b>38.</b> Article 42.1, as read with Article 42.2	Prohibition on the physical or chemical processing, or transshipment for processing, of fish (except offal) on board a fishing vessel to produce fish-meal, fish-oil, or similar products.	The statutory maximum
<b>[<sup>F23</sup>III Regulation 2549/2000</b>		
<b>1.</b> Article 2.1 as read with Article 3	Provisions as to the use of multiple-twine netting within a cod-end or extension piece incorporated into a demersal towed net.	The statutory maximum
<b>2.</b> Article 2.2 as read with Article 3	Provisions as to twine thickness in relation to cod-end or extension piece incorporated into a demersal towed net.	The statutory maximum
<b>3.</b> Article 2.3	Provisions as to the circumference of a cod-end of mesh size range 70 to 79mm or 80 to 89mm.	The statutory maximum
<b>4.</b> Article 2.4	Provisions as to the construction of a demersal towed net incorporating quadrilateral mesh.	The statutory maximum



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**Changes to legislation:** There are currently no known outstanding effects for the The Sea Fishing (Enforcement of Community Conservation Measures) (Scotland) Order 2000. (See end of Document for details)

<i>Column 1</i> <i>Community conservation measure</i>	<i>Column 2</i> <i>Subject matter</i>	<i>Column 3</i> <i>Maximum fine on summary conviction</i>
5. Article 2.5 as read with Article 3.1 of Regulation 254/2002	Provisions as to the construction of a demersal towed net of mesh size range 70 to 79mm or 80 to 99mm requiring the insertion of a panel of diamond-meshed netting of a minimum mesh size of 140mm.	The statutory maximum
6. Article 2.6 as read with Article 3.2 of Regulation 254/2002	Provisions as to the construction of a beam trawl of mesh size range 70 to 79mm or 80 to 99mm requiring the insertion of a panel of diamond-meshed netting of a minimum mesh size of 180mm.	The statutory maximum
7. Article 2.7 as read with Article 3.1 of Regulation 254/2002	Provision as to the fitting of a square mesh panel of mesh size of at least 80mm in a demersal towed net of a mesh size range 80 to 99mm.	The statutory maximum
8. Article 2.8	Provisions as to the method of attachment of a cod-end of mesh size less than 100mm.	The statutory maximum
<b>IV Regulation 2056/2001</b>		
1. Article 4.1	Provisions as to catch composition for nets with a mesh size in the range of 70 to 79mm to the west of Scotland.	The statutory maximum
2. Article 4.2	Provisions as to catch composition for nets with a mesh size in the range 80 to 109mm in a specified area in the North Sea.	The statutory maximum
3. Article 4.3	Provisions as to catch composition for nets with a mesh size in the range 100 to 109mm to the west of Scotland.	The statutory maximum
4. Article 4.4	Provisions as to catch composition for nets with a mesh size in the range 110 to 119mm to the west of Scotland and, during 2002 only, in the	The statutory maximum

<i>Column 1</i> <i>Community conservation measure</i>	<i>Column 2</i> <i>Subject matter</i>	<i>Column 3</i> <i>Maximum fine on summary conviction</i>
	North Sea and to the West of Scotland.	
5. Article 4.5	Provisions relating to the construction of and catch composition required for nets with a mesh size in the range 100 to 119mm.	The statutory maximum
6. Article 4.6 as read with Articles 4.1–4.5	Provisions relating to a maximum by-catch of cod, for nets with mesh size in the range 32-119mm.	The statutory maximum
7. Article 5.1.i	Provisions relating to mesh construction of demersal towed nets.	The statutory maximum
8. Article 5.1.ii	Provisions relating to the length of a combined cod-end and extension piece for demersal towed nets, with a mesh size greater than or equal to 70mm.	The statutory maximum
9. Article 5.1.iii	Provisions relating to construction of cod-end and extension pieces of demersal towed nets.	The statutory maximum
10. Article 5.1.iv	Provisions relating to the type of netting material used in demersal towed nets.	The statutory maximum
11. Article 5.1.v	Provisions relating to the attachment of the cod-end in demersal towed nets.	The statutory maximum
12. Article 5.1.vi	Limitations on twine thickness, used in the construction of a demersal towed net of a mesh size equal to, or greater than, 55mm.	The statutory maximum
13. Article 5.2.i	Limitation on the maximum number of meshes in demersal towed nets with a mesh size in the range 70 to 89mm.	The statutory maximum
14. Article 5.2.iii	Provisions relating to the construction of demersal towed nets with a mesh size in the range 70 to 99mm.	The statutory maximum

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**Changes to legislation:** There are currently no known outstanding effects for the The Sea Fishing (Enforcement of Community Conservation Measures) (Scotland) Order 2000. (See end of Document for details)

<i>Column 1</i> <i>Community conservation measure</i>	<i>Column 2</i> <i>Subject matter</i>	<i>Column 3</i> <i>Maximum fine on summary conviction</i>
15. Article 5.2.iv	Provisions as to the fitting of a square mesh panel in a demersal towed net of 70 to 99mm.	The statutory maximum
16. Article 5.3	Provisions relating to the construction of beam trawl nets.	The statutory maximum
17. Article 6.1 as read with 6.2	Prohibitions relating to the geographical areas within which beam trawls with a mesh size within a certain range may be used.	The statutory maximum
18. Article 6.3	Prohibitions relating to the carriage of certain beam trawls, within a specified geographical area.	The statutory maximum
19. Article 7	Provisions as to the catch composition for fixed gears of a mesh size less than 140mm.	The statutory maximum
20. Article 8.1	Prohibition relating to deployment of certain towed nets in a specified area, and provision as to catch composition.	The statutory maximum]

#### Textual Amendments

- F12** Words in *sch.* substituted (28.3.2019) by [The Fisheries \(EU Exit\) \(Scotland\) \(Amendment\) \(No. 2\) Regulations 2019 \(S.S.I. 2019/69\)](#), regs. 1(2)(a), **2(4)(a)**
- F13** *Sch.* Table Pt. 2 para. 6A inserted (26.3.2002) by [The Sea Fishing \(Enforcement of Community Conservation Measures\) \(Scotland\) Amendment Order 2002 \(S.S.I. 2002/81\)](#), arts. 1(1), **3(a)**
- F14** Words in *sch.* Table Pt. 2 para. 12 substituted (26.3.2002) by [The Sea Fishing \(Enforcement of Community Conservation Measures\) \(Scotland\) Amendment Order 2002 \(S.S.I. 2002/81\)](#), arts. 1(1), **3(b)**
- F15** Words in *sch.* omitted (28.3.2019) by virtue of [The Fisheries \(EU Exit\) \(Scotland\) \(Amendment\) \(No. 2\) Regulations 2019 \(S.S.I. 2019/69\)](#), regs. 1(2)(a), **2(4)(b)**
- F16** Words in *sch.* omitted (28.3.2019) by virtue of [The Fisheries \(EU Exit\) \(Scotland\) \(Amendment\) \(No. 2\) Regulations 2019 \(S.S.I. 2019/69\)](#), regs. 1(2)(a), **2(4)(c)**
- F17** Words in *sch.* substituted (28.3.2019) by [The Fisheries \(EU Exit\) \(Scotland\) \(Amendment\) \(No. 2\) Regulations 2019 \(S.S.I. 2019/69\)](#), regs. 1(2)(a), **2(4)(d)**
- F18** *Sch.* Table Pt. 2 para. 25A inserted (26.3.2002) by [The Sea Fishing \(Enforcement of Community Conservation Measures\) \(Scotland\) Amendment Order 2002 \(S.S.I. 2002/81\)](#), arts. 1(1), **3(c)**
- F19** Words in *sch.* substituted (28.3.2019) by [The Fisheries \(EU Exit\) \(Scotland\) \(Amendment\) \(No. 2\) Regulations 2019 \(S.S.I. 2019/69\)](#), regs. 1(2)(a), **2(4)(e)**
- F20** Words in *sch.* omitted (28.3.2019) by virtue of [The Fisheries \(EU Exit\) \(Scotland\) \(Amendment\) \(No. 2\) Regulations 2019 \(S.S.I. 2019/69\)](#), regs. 1(2)(a), **2(4)(f)**

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| <p><b>F21</b> Words in sch. omitted (28.3.2019) by virtue of <a href="#">The Fisheries (EU Exit) (Scotland) (Amendment) (No. 2) Regulations 2019 (S.S.I. 2019/69)</a>, regs. 1(2)(a), <b>2(4)(g)</b></p> <p><b>F22</b> Words in sch. substituted (28.3.2019) by <a href="#">The Fisheries (EU Exit) (Scotland) (Amendment) (No. 2) Regulations 2019 (S.S.I. 2019/69)</a>, regs. 1(2)(a), <b>2(4)(h)</b></p> <p><b>F23</b> Sch. Table Pts. 3, 4 inserted (26.3.2002) by <a href="#">The Sea Fishing (Enforcement of Community Conservation Measures) (Scotland) Amendment Order 2002 (S.S.I. 2002/81)</a>, art. 1(1), <b>sch.</b></p> |
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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order revokes the Sea Fishing (Enforcement of Community Conservation Measures) Order 1997 (S.I.1997/1949) and the Sea Fishing (Enforcement of Community Conservation Measures) (Amendment) Order 1997 (S.I. 1997/2841) (article 13).

The Order re-enacts provisions for the enforcement of Article 11 of Council Regulation (EC) No. 894/97 (O.J. No. L132, 23.5.97, p.1) laying down certain technical measures for the conservation of fishery resources (“Regulation 894/97”) and makes provisions for the enforcement of certain of the enforceable Community restrictions and obligations concerning the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms which are contained in Council Regulations (EC) No. 850/98 (O.J. No. L125, 27.4.98, p.1), as amended (“the Council Regulation”).

The Order creates offences in respect of breaches of Regulation 894/97, and of the Council Regulation (article 3).

The Order provides penalties in relation to an offence under article 3 of the Order or any equivalent provision extending to any other part of the United Kingdom proceedings in respect of which were brought in Scotland by virtue of section 30 (2A) of the Fisheries Act 1981 (c. 29) (article 4). (Section 30 (2A) was inserted by the Scotland Act (Consequential Modifications) (No. 2) Order 1999 (S.I. 1999/1820), Schedule 2, paragraph 68 (5)(a)).

The Order makes provision in relation to the recovery of fines imposed in respect of such offences or an offence under article 10 (obstruction of officers) (article 5).

The Order confers on British sea-fishery officers powers of enforcement in relation to fishing boats and on land. These include power to enter premises, to go on board fishing boats, to stop and search vehicles transporting fish, to examine fish, to require the production of documents, to search for and seize documents, to take a boat to the nearest convenient port and to seize fish and fishing gear (articles 6, 7 and 8).

Provision is also made in relation to the liability of officers for anything done in the purported exercise of powers conferred by the Order (article 9). The Order creates offences and provides penalties in respect of the obstruction of a British sea-fishery officer and makes provision in relation to offences committed by bodies corporate and Scottish partnerships and the admissibility of certain documents (articles 10, 11 and 12).

**Status:**

Point in time view as at 28/03/2019.

**Changes to legislation:**

There are currently no known outstanding effects for the The Sea Fishing (Enforcement of Community Conservation Measures) (Scotland) Order 2000.